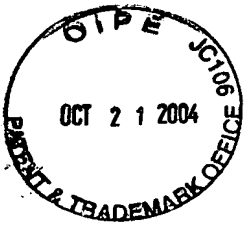


EFW



DOCKET: 313-006.003
USSN: 10/826,820

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: **Francis J. Maguire**

USSN: **10/826,820**

Filed: **4/16/2004**

Docket Number: **313-006.003**

For: **METHOD AND APPARATUS FOR EYE TRACKING IN A VEHICLE**

Examiner: **Xiao Min WU**

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION IN RESPONSE TO OFFICE

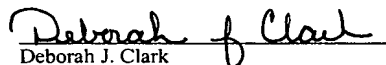
ACTION

Sir:

This is a reply to the Office Action mailed September 21, 2004 in which claims 1-27 were rejected for obviousness-type double patenting over claims 1-8 of US 6,359,601 in view of Spero (US 5,072,218).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

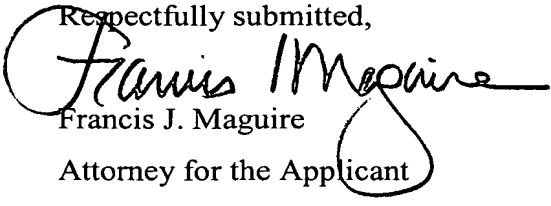

Deborah J. Clark

Dated: Oct. 19, 2004

It is not correct for the Examiner to state that Spero et al. teaches that the translatory position of the helmet or head is detected with respect to a vehicle coordinate system. As pointed out in the specification at page 2, lines 20-21 (as well as column 1, lines 60-61 of US 6,359,601), eye attitude is not measured by Spero et al. nor is there any measurement of translatory head position with respect to the aircraft. The only thing that is measured is the attitude of the helmet with respect to the aircraft. Therefore, Spero does not disclose using a vehicle coordinate system as a reference coordinate system to detect the user's head movement with respect to translatory position.

However, the applicant agrees with the Examiner's conclusion about obviousness type double patenting but for a different reason. Spero does teach measuring helmet attitude with respect to the aircraft. The applicant therefore agrees with the Examiner's conclusion but with respect to claim 2 which claims that the apparatus further comprises a head attitude monitor. It is unnecessary to consider the other claims since only one such claim is needed to sustain such a rejection.

Therefore, applicant will be willing to submit a terminal disclaimer at the time of paying the Issue Fee assuming the claims remain in their present form.

Respectfully submitted,

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FJM/djc
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